

SENATE BILL 447

By Lowe

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to the department of children's services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-137(b), is amended by adding the following as a new subdivision:

(3)

(A) The commissioner shall notify the committing court at least fifteen (15) days prior to the proposed discharge of a child under subdivision (b)(1). Unless the committing court makes an objection in writing to the commissioner or the commissioner's designee or sets a hearing within the fifteen-day period with the hearing to be held at the earliest possible date, the court is considered to have assented to the discharge and the child may be discharged.

(B) If the committing court objects to the discharge, the objection must be made in writing to the commissioner or the commissioner's designee setting forth the reasons for the objection. A valid ground for an objection includes, but is not limited to, consideration of the nature of the offense committed by the juvenile. The department shall not discharge a juvenile if the committing court objects in the prescribed written manner. Upon receiving the objection from the committing court, the commissioner or the commissioner's designee shall review the child's file and consult with the committing judge regarding the denial in the form of a hearing set by either the court or by motion of the department or an attorney for the child.

(C) If an agreement is not reached between the department and the committing judge, then the commissioner or the commissioner's designee shall request a hearing on the proposed discharge by a three-judge panel to be appointed by the executive committee of the Tennessee council of juvenile and family court judges. The three-judge panel must not include the committing judge. The panel will hear and resolve the controversy within thirty (30) days of receipt of the commissioner's or the commissioner's designee's request for a hearing by the executive secretary of the council and the decision of the panel is final.

SECTION 2. Tennessee Code Annotated, Section 37-1-137(b)(1), is amended by deleting "Subject to subsection (c)" and substituting "Subject to subdivision (b)(3) and subsection (c)".

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.